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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,878	08/15/2001	Christopher Tzann-en Szeto	YHOOP001	1810
29989	7590	11/14/2005	EXAMINER	
HICKMAN PALERMO TRUONG & BECKER, LLP			BAROT, BHARAT	
2055 GATEWAY PLACE			ART UNIT	
SUITE 550			PAPER NUMBER	
SAN JOSE, CA 95110			2155	

DATE MAILED: 11/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/930,878

Applicant(s)

SZETO, CHRISTOPHER TZANN-EN

Examiner

Bharat N. Barot

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 24-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 24-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/11/05 & 9/15/05</u> . | 6) <input type="checkbox"/> Other: _____ |

RESPONSE TO AMENDMENT

1. Amended claims 1-16 and 24-31 remain for further examination.

The new grounds of rejection

2. Applicants' amendments and arguments with respect to claims 1-16 and 24-31 filed on August 24, 2005 have been fully considered but they are deemed to be moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-16 and 24-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Crawford (U.S. Patent No. 6,781,608).

Crawford's patent meets all the limitations for claims 1-16 and 24-31 recited in the claimed invention.

5. As to claim 1, Crawford teaches a method of sharing an instant messaging environment (figure 7; and column 13 lines 12-20) comprising: transmitting an instant messaging environment identifier (buddy icon) corresponding to the selected instant messaging environment (preference) from a transmitting instant messaging application to a receiving instant messenger application; receiving the instant messaging environment identifier at the receiving instant messenger application (figures 7-9; column 13 lines 38-51; and column 14 line 54 to column 15 line 3); and activating the instant messaging environment in the receiving instant messaging application (figures 7 and 10s; column 14 line 32-53; and column 15 lines 4-36).

6. As to claims 2-4, Crawford teaches that determining whether the transmitting instant messaging application is an eligible instant messaging application; and the selected instant messaging environment corresponding to the transmitted instant messaging environment identifier is stored on a node comprising the receiving instant messaging application or has expired (figure 7-9; column 13 lines 38-51; column 14 line 32-53; and column 16 lines 6-23).

7. As to claims 5-6, Crawford teaches that downloading the selected instant messaging environment from a source that stores the instant messaging environment (figure 7; and column 14 lines 32-53); and discloses that the instant messaging environment identifier is transmitted with an instant message (figures 10s; and column 15 lines 4-15).

8. As to claims 7-11, Crawford teaches that the selected instant messaging environment specifies a background and an animation for a history window; and functions that execute when certain words are included in a message, combinations of words, and emoticons are included in a message (figures 7-10s; column 13 lines 12-20; and column 15 lines 4-52).
9. As to claims 12-13, Crawford teaches that the selected instant messaging environment includes a link and a watermark (figures 8-10s; and column 17 lines 7-31).
10. As to claim 14, Crawford teaches that the selected instant messaging environment redefines user interface commands (figure 11; column 13 lines 38-63; and column 17 lines 32-38).
11. As to claims 15-16, Crawford teaches that tracking that an instant messaging environment identifier is sent and a certain function contained in an instant messaging environment is executed (figures 7-10s; column 14 lines 32-53; and column 15 lines 4-52).
12. As to claims 24-27, they are also rejected for the same reasons set forth to rejecting claim 1 above, since claims 25 is are merely an apparatus, claims 24 and 27 are merely a program product, and claim 26 contains same method of steps for the method of operation defined in the claim 1.

13. As to claim 28, Crawford discloses that a system for sharing an instant messaging environment comprising: a memory configured to store a set of instant messaging environments; a processor configured to select the instant messaging environment from the set of stored instant messaging environments; and an interface configured to transmit an instant messaging environment identifier corresponding to the selected instant messaging environment (figures 5 and 7-10s; and columns 9-11 and 13-17).

14. As to claims 29-30, they are also rejected for the same reasons set forth to rejecting claim 28 above, since claim 29 is are merely a method of operation and claim 30 is merely a program product for the apparatus defined in the claim 28.

15. As to claim 31, Crawford discloses that a system for implementing an instant messaging environment comprising: an interface configured to receive an instant messaging environment identifier at a receiving instant messenger application; a memory configured to store instant messaging environments; and a processor configured to retrieve from the memory a stored instant messaging environment corresponding to the instant messaging environment identifier and to active the retrieved instant messaging environment (see summary; figures 5 and 7-10s; and columns 9-11 and 13-17).

Response to Arguments

16. Applicant's arguments have been fully considered. The examiner has attempted to answer (response) to the remarks (arguments) in the body of the Office action.

17. Applicant's amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Contact Information

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bharat Barot** whose Telephone Number is **(571) 272-3979**. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM. Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number **(571) 273-8300**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Saleh Najjar**, can be reached at **(571) 272-4006**.

Patent Examiner Bharat Barot
Art Unit 2155

November 01, 2005


BHARAT BAROT
PRIMARY EXAMINER